IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 4453 of 2007(E)

OS.494/1999 of II ADDL.SUB COURT,TRIVANDRUM

.....

PETITIONER:

NALINI, D/O CHELLAMMA, PERMANENTLY RESIDING AT K.P.298, CHARUVILA VEEDU, KUMARAPURAM, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM REP. BY HER POWER OF ATTORNEY HOLDER AND HUSBAND T.RAJAN RESIDING AT DO. DO.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENT:

PONNAMMA, D/O BHAGAVATHY, MANAKKATTU VILAKOM, NEAR RAILWAY STATION, KAZHAKKOOTTAM, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 4453 of 2007 E

JUDGMENT

This writ petition is filed by the judgment debtor in O.S.No.494/99 on the file of the Sub Court, Thiruvananthapuram seeking for the following reliefs:

> "i. Direct the II Additional Subordinate Judge's Court, Thiruvananthapuram to consider and pass orders on Exhibits P3 and P4 petitions as expeditiously as possible, within a time frame to be fixed by this Honourable Court.
>
> ii. Direct the II Additional Subordinate Jude's Court, Thiruvananthapuram to keep in abeyance all further proceedings in E.P.No.195 of 2002 in O.S.No.494 of 1999, including the sale to be conducted on 9.2.2007, till final orders are passed on Exhibits P3 and P4 petitions."

2. The second prayer does not deserve to be granted, as the petition to set aside the ex parte decree has been filed after more than five years and nine months and the petitioner cannot cause the execution of the decree being withheld till final orders are passed on her petition to set aside the ex parte decree. However, I direct the court below to dispose of Exhibits P3 and P4 petitions as early as possible, provided, there is no laches on the part of the petitioner in prosecuting the petitions.

The writ petition is disposed of accordingly.

8th February, 2007 (K.P.Balachandran, Judge)

tkv